

### **REMARKS**

Currently, claims 1, 4-10, 12, 14, 17, 20-26, 28, 29, and 31-44, including independent claims 1 and 17 and new claims 40-44, are pending in the present application. Independent claim 1, for instance, is directed to an article comprising a substrate which includes an odor absorbing agent and at least one visual indicating agent in an amount effective to change color when exposed to an odor. The odor absorbing agent comprises nanoparticles. The visual indicating agent is selected from the group consisting of 4,4'-bis(dimethylamino)-benzhydrol, pararosaniline, alpha-naphtholbenzene, and naphthochrome green. Furthermore, the visual indicating agent is applied in differing concentrations to two or more zones.

In the Office Action, claims 8 and 9 were objected to as failing to further limit the subject matter of a previous claim. Specifically, the Examiner deems claims 8 and 9 to be "essentially verbatim copies of each other." Applicants have amended claim 9 for clarity. Claim 8 requires, "the indicating agent is applied in differing concentrations in two or more zones to indicate how much of the odor absorbing capacity of the article **has not been utilized.**" Claim 9 (as amended) requires, "the indicating agent is applied in differing concentrations in two or more zones to indicate how much of the odor absorbing capacity of the article **has been utilized.**" Applicants respectfully submit that these limitations are distinct from one another. For instance, Applicants note Figs. 4(a) and 4(b), as well as the discussion of these figures in Example 17. Furthermore, as noted at pg. 4, lines 21-29,

the use of zones having different concentrations of the indicating agent allows a graduated scale to be produced that would indicate to the user that the odor absorbing article to which the strip or patch was applied was

working and how much of the odor absorbing capacity was left (or conversely, how much of the absorbing article is used up). The final color or lack of color indicates when the absorbing article is saturated and needs to be replaced.

Thus, the manner in which the indicating agent is applied in differing concentrations in two or more zones can be configured to either indicate to the user how much of the absorbing capacity of the article has been utilized (e.g., a greater color intensity may indicate that the article is nearing odor saturation) or how much of the absorbing capacity remains (e.g., a greater color intensity may indicate that the article is near full capacity for odor absorption).

Additionally, in the Office Action, claims 4, 10, 17, 25-30, 33-34, 36, and 39 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, regarding claim 10, the Office Action states that mercaptans, sulfide, hydrogen sulfide, amines, ammonia, sulfur, sulfur degradation products, aliphatic acids, isovaleric acid, butyric acid and acetic acid are not odors but rather chemical compounds and/or elements. While true, Applicants submit that one skilled in the art understands that mercaptans, sulfide, etc. emit an odor. Applicants have presently amended claim 10 for clarity. Additionally, claim 10 was objected to as the Examiner did not understand "sulfur degradation products." Applicants submit that one skilled in the art appreciates that sulfur degradation products are degradation products that contain sulfur. For instance, pg. 5, lines 21-22 of the present specification indicates that some sulfur degradation products of urine are methyl mercaptan and hydrogen sulfide. However, Applicants

have presently amended claim 10 to require “sulfur-based degradation products.”

Applicants believe this overcomes the Examiner’s objections to clarity.

Furthermore, claims 36 and 39 were objected to stating that chlorite and persulfate are not metal ions. Applicants have removed these ions from the claims.

Lastly, claims 4, 17, and 25-30 were objected to as being incomplete for omitting essential elements. Particularly, the Examiner states that the element “the change in color that is indicative of saturation of the article with the odor” is omitted. Applicants have amended claim 4 and independent claim 17 to further define the structure and believe these amendments overcome the Examiner’s concerns.

Additionally, in the Office Action, claims 1, 4-9, 12, 14, 17, 23-25, and 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,407,960 to Tratnyek as evidenced by the June 1995 BOC Gases MSDS for ethylene oxide. Furthermore, claims 1, 4, 6-10, 14, 17, 21, 27-29, 31, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent App. No. 2003/0130631 to Springer in view of U.S. Patent No. 6,149,952 to Horan. However, as correctly noted in the Office Action, none of the cited references disclose the use of nanoparticles. As such, Applicants have amended independent claim 1 to require that the odor absorbing agent comprises nanoparticles. This limitation is similar to the limitations of previous dependent claim 19<sup>1</sup> which the Office Action indicated would be allowable if rewritten in independent form. Additionally, Applicants have amended independent claim 17 to require introducing an odor absorbing agent that comprises

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<sup>1</sup> However, note that Applicants presently claim in claim 1 that the odor absorbing agent comprises nanoparticles rather than an article that comprises both an odor absorbing agent and nanoparticles.

nanoparticles into or onto the article. Thus, Applicants believe that all pending claims define over the references.

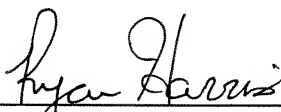
Finally, claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 7 and 20-21 of copending application no. 10/790,617 and claims 1, 5-7, and 12 were rejected on the ground of nonstatutory obviousness-type double patenting over claims 4-5 and 7-9 of copending application no. 12/134,547. Independent claim 1 has been presently amended to include limitations similar to those of previous dependent claim 19. As such, Applicants respectfully submit that the present claims overcome the double patenting rejections.

As such, Applicant respectfully submits that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Alstrum-Acevedo is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.



Ryan P. Harris  
Registration No. 58,662  
P.O. Box 1449  
Greenville, SC 29602-1449  
Phone: (864) 271-1592  
Facsimile: (864) 233-7342

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